



THE CITY OF SAN DIEGO

PERMITTING REQUIREMENTS FOR

Alcoholic Beverage Outlets

CITY OF SAN DIEGO DEVELOPMENT SERVICES

1222 FIRST AVENUE, MS 301 SAN DIEGO, CA 92101-4101

CALL (619) 446-5300 FOR APPOINTMENTS AND (619) 446-5000 FOR INFORMATION

INFORMATION
BULLETIN

143

DECEMBER 2009

I. ALCOHOLIC BEVERAGE OUTLET

Any establishment for which a **Type 20** Beer and Wine License or a **Type 21** General Liquor License has been submitted to the California Department of Alcoholic Beverage Control (ABC) for permission to sell alcoholic beverages for off-site consumption shall be regulated as an alcoholic beverage outlet subject to Section 141.0502, of the San Diego Municipal Code.

This Information Bulletin describes the process for obtaining City's approvals for ABC Zoning Affidavits for state licensing.

II. EXEMPTIONS FROM THIS REVIEW PROCESS

The following Alcoholic Beverage Outlets and areas (for off-site consumption) are exempt from the review process described in this Information Bulletin; see Section 141.0502(a) of the San Diego Municipal Code. Zoning approvals may be completed for projects identified in this section.

- A. Hotels, motels, or any other lodging establishment where the area devoted to sale of alcoholic beverages for off-site consumption does not exceed 10 percent of the gross floor area of the entire premises.
- B. Establishments of more than 15,000 square feet of gross floor area, provided the area devoted to alcohol sales does not exceed 10% of the gross floor area of the entire premise (premise is defined as the leasehold in which the outlet is located, not the entire multi-tenant building).
- C. Alcoholic beverage establishments within the Gaslamp Quarter Planned District and the Centre City Planned District are reviewed by the Centre City Development Corporation at 401 B St., Suite 400, San Diego, CA 92101. Telephone (619) 235-2200.
- D. Alcoholic Beverage Outlets that were in existence on December 20, 1995, if the outlet retains the same type of retail liquor license within a license classification and has been in continuous operation without substantial change in the mode or character of operation. (See Section 141.0502(a),(4)(A)(B), in the San Diego Municipal Code).

III. ADMINISTRATIVE REVIEW

Alcoholic beverage outlets are permitted as a limited use in the zones indicated with an "L" in the

Documents referenced in this Information Bulletin

- San Diego Municipal Code, ([SDMC Section 141.0502](#))
- [Project Submittal Manual](#)
- [Information Bulletin 122](#), How to Prepare a Typical Site Plan/Vicinity Map
- General Application, [DS-3032](#)
- [Agreement to Comply Affidavit](#)
- Department of Alcoholic Beverage Control Zoning Affidavit, [ABC255](#)

Use Regulations Tables in Chapter 13, Article 1 (Base Zones), also Planned Districts may permit this regulated use, all are subject to the regulations in Section 141.0502(b).

A. Alcoholic beverage outlets are not permitted in any of the following locations:

1. Within a census tract, or within 600 feet of a census tract, where the general crime rate exceeds the citywide average general crime rate by more than 20 percent;
2. Within a census tract, or within 600 feet of a census tract, where the ratio of alcoholic beverage outlets exceeds the standards established by the California Business and Professional Code Section 23958.4;
3. In an adopted Redevelopment Project Area. To determine if the proposed Alcoholic Beverage Outlet is in a redevelopment area contact the Agency at (619) 533-4233 or visit the Redevelopment Agency Web Site at: www.sandiego.gov/redevelopment-agency.
4. Within 600 feet of a public or private accredited school, a public park, a play ground or recreational area, a church except those established in accordance with Section 141.0404(a), a hospital or a San Diego County welfare district office; and
5. Within 100 feet of a residentially zoned property.

An administrative review is provided for those Alcoholic Beverage Outlets for off-site consumption meeting all five location standards listed above. In addition, the applicant must agree to comply with the operational standards

as indicated under Section 141.0502(b)(2) thru (12), of the San Diego Municipal Code, (see Agreement to Comply Affidavit attached).

If the applicant has sufficiently met all provisions for an off-sale alcohol license, the reviewer will sign the Alcohol Beverage control Board (ABC) Form 255 and forward it to the applicants within 15 working days of the date of application. If an applicant is unable to meet the five locations standard, the applicant is notified in writing.

IV. APPLICATION PACKAGE

Provide the following documents:

A. General Application (DS-3032)

All projects must be submitted with a Project Application.

B. 600-foot Radius Map

Provide 2 copies of an Assessor's parcel map outlining a 600-foot radius around the subject property, with the following items identified:

1. Church (except those established in accordance with Section 141.0404.(a);
2. Public or private accredited schools;
3. Hospitals;
4. Public park, a playground or recreational area;
5. San Diego County welfare district office;
6. Within 100' of a residential zoned property;
7. Adjacent census tract(s), including the number of beverage licenses and crime rate.

Assessor's parcel map (map may be obtained at the [County Assessors Office](#), 1600 Pacific Highway or phone (619) 236-3771.

C. Off-Sale & Public Premises Licenses Form

Provide "Information and Instructions" form (Sec. 23958.4 B & P). This form must be obtained from the State of California, [Department of Alcoholic Beverage Control](#). The information on the form indicates critical information, including the number of off-sale facilities within each census tract and the high crime area statistics, this form is needed to process your Alcoholic Beverage Outlet application.

For properties located north of Miramar, this form must be obtained from offices located at 334 Via Veracruz, Suite 204, San Marcos, CA (760) 471-4237.

For properties located south of Miramar, you must obtain this form from 1350 Front Street, Suite 5056, San Diego, CA. (619) 525-4064.

D. Agreement to Comply Affidavit

Complete and sign the attached Agreement to Comply Affidavit.

E. Fees

The following fees will be charged at the time of application:

Application and review Fee	\$591.00
Records Fee.....	\$20.00
Mapping Fee.....	\$10.00

V. OPTIONS FOR SERVICE

All Alcoholic Beverage Outlet applications must be submitted by:

A. Appointment - To schedule an appointment, call (619) 446-5300.

B. Walk-In Service - Visit the Development Services Department at 1222 1st Avenue, 3rd Floor, Check-In counter.

VI. CONDITIONAL USE PERMIT REGULATIONS

Proposed alcoholic beverages outlets that do not comply with the regulations in Section 141.0502. (b) may be permitted with a Conditional Use Permit (CUP) in accordance with process three.

For additional information, refer to Submittal Manual Section 4.



City of San Diego
Development Services
1222 First Avenue, MS 301
San Diego, CA 92101-4101
(619) 446-5000

Agreement to Comply Affidavit

I, _____, have requested a Type 20 or Type 21 liquor license to sell alcoholic beverages in the City of San Diego at property

located at _____, pursuant to Section 141.0502 of the City of San Diego Municipal Code, I hereby acknowledge, under penalty of perjury, that the following facts are true:

- A. That my business is not located within a census tract, or within six hundred (600) feet of a census tract, where the crime rate exceeds the citywide average by more than twenty percent (20%); and
- B. That my business is not located within a census tract, or within six hundred (600) feet of a census tract, where the ratio of alcohol beverage outlets exceeds standards established by the California Business and Professionals Code, Section 23958.4; and
- C. That my business is not located within any adopted Redevelopment Area; and
- D. That my business is at least six hundred (600) linear feet from any public or private accredited school, public park, playground or recreational area, church, hospital or County welfare district office; and
- E. That my business is not located within one hundred (100) linear feet of any residential zone boundary.

The separation distance requirement addressed in Section 141.0502(b)(1) has been measured from property line to property line in accordance with Section 113.0225.

I additionally agree to the following operational standards for my business:

- F. To prohibit pool or billiard tables, foosball or pinball games, arcade style video or electronic games or coin operated amusement devices on the premises; and

G. To prohibit the placing of exterior public pay phones that permit incoming calls on the premises, including adjacent to public sidewalks and areas under the control of the owner or operator; and

H. To adequately illuminate the exterior of my business and adjacent sidewalks and areas under my control to a minimum level of 0.4 foot candles per square foot. I shall also ensure that this lighting is shielded and directed so as not to shine on adjacent properties; and

I. That I agree that no more than six hundred and thirty square inches (630 sq. in.) of signage referencing or pertaining to the sale of alcoholic beverages shall be visible from streets adjacent to my business; and

J. That I shall have no more than thirty-three percent (33%) of transparent doors and windows obscured with advertising or signs of any sort and the placement of which will ensure that law enforcement personnel have a clear and unobstructed view of the interior of the outlet; and

K. To post a prominent, permanent sign, visible to the general public stating "No loitering, consumption, or open alcoholic beverage containers are allowed inside the premises, in the parking area, or in the public sidewalks adjacent to the premises," and

L. To list the business address and telephone number in the San Diego telephone directory; and

M. To place at least one 13-gallon trash receptacle inside my business and one 32-gallon trash receptacle outside my business and one in the parking lot for use by my customers; and

N. That I shall maintain the premises, including parking areas and adjacent sidewalks, in a litter free and graffiti free condition at all times. Litter shall be removed on a daily basis; graffiti shall be removed within 48 hours.

I understand that failure to comply with the standards listed above may result in the revocation of the City's approval to sell alcohol at the referenced address.

Signature of License Holder:

Date:

Print or Type the Name of the License Holder: